



June 27, 2007

SUBJECT: THE LAND DEVELOPMENT ORDINANCE COMMITTEE

The Land Development Ordinance Committee (LDOC) met Wednesday, June 27, 2007, at 4 p.m., in the Council Chamber located at 217 S. Main Street, to discuss rewriting Salisbury's ordinance code. In attendance were Jake Alexander, Karen Alexander, Bill Burgin (Co-chair), George Busby, John Casey, Phil Conrad, Steve Fisher, Mark Lewis (Co-chair), Rodney Queen, Jeff Smith, Bill Wagoner, and Victor Wallace.

Absent: Brian Miller

Staff Present: Janet Gapen, Patrick Kennerly, Dan Mikkelson, Preston Mitchell, Diana Moghrabi, Joe Morris, David Phillips, Lynn Raker and Patrick Ritchie.

The meeting was called to order with Bill Burgin (Co-chair) presiding. The minutes of the June 20, 2007, meeting were accepted. A box lunch from the Honey Baked Ham Store was served. Mr. Burgin announced that the book in front of each member of this committee is the most recent version of the proposed code; it is certainly a best effort. The goal of this meeting is to see how the proposed code will apply to things Salisbury is familiar with.

CASE STUDIES

When the committee met last week they were asked, "What are some of the developments you would like to review in the context of the new code?" The outcome was that we have seven different case studies to look at today.

Wallace Commons

David Phillips led the committee through "Wallace Commons" which came through the Group Development process and to City Council last Tuesday. In the proposed code, this would be considered a major site plan. It would be zoned HB. Because of the "big box stores", it would be required to have a special use permit (just as a major site plan-by right). The code states that anything over 50,000 square feet will require a special use permit and will go before City Council. If you elected to go CD, you would not do SUP. SUP has a legislative process attached to it. You would go before TRC for site plan review.

Start at Chapter 2 to make sure uses are allowed. Chapter 2 sets out what all the districts are in the code in what will be the new zoning map. This would be a highway business district (HB) with no parking restriction in the front. If you did choose to do a “by right” plan, a public street would be required to come through the center of the development. The outparcels would then front onto Klumac. If you choose not to build the public street, that would be a CD. (The way it went through a couple weeks ago.)

Chapter 3 includes additional use standards. This does not generally affect retail and restaurant; it would affect something like a bar.

Chapter 4 sets out general code requirements that are code wide and citywide. (Broad-brush)

Chapter 5 gets into the building and design standards. This is where frontage requirement picks up. If you choose to go the CD route, the frontage requirement goes away—the entire Chapter 5 goes away. You propose all your own buildings, all your own dimensional standards, your setbacks, your height—you choose everything. It essentially becomes campus style development. There will still be the same legislative review. The plan is negotiated.

Victor Wallace asked, “What happens ten years from now and the retailer changes? In reality nothing stays the same.” Joe Morris answered that you would have to amend the CD. Interior changes require a zoning permit but not a review process. David Phillips said, “A building that is not a group development that you start breaking up into multiple tenants, then that is what throws a property into a group development status. (But that is not a feature in the new code) As long as you still meet the CD, you are OK.”

Preston Mitchell when on to say, “There are two “helpers” built in—“By right” development (anything less than 25 percent of the gross floor area) can be added on and the Chapter 5 design standards do not kick in. In the CD (page 15-31.E.a-g Changes to a CD), the following changes to a Conditional District will require consideration by City Council; land area being added to the CD (adding parcels to the CD), modification of any special performance criteria, design standards or other requirements that are set out by the ordinance, change in the land use or development type beyond that permitted by the enacting ordinance, when there is an introduction of a new vehicular access point to an existing street, road or thoroughfare, if there is an increase of the total number of residential, when the total floor area of the commercial/industrial classification is increased by more than 10 percent beyond the total floor area originally approved. Every other change stops at the Planning Board level.

Bill Burgin stated that, “The only thing the new ordinance would require that is not on the current plan is the new ordinance would require a sidewalk on Klumac and Julian Roads.” Patrick Ritchie added that the Storm Water Ordinance will kick in now, regardless of the new code (sometime in 2008 that will kick in). Jake clarified that NPDES is a state requirement not a code requirement. Preston said most likely it would be adopted as is.

Victor Wallace led a discussion on “when the out parcel is developed, are you required to install the sidewalks? (There can be nonfunctioning sidewalks for 10-15 years.)” Joe Morris said you do not have to do it in advance of the development. Dan Mikkelsen said that staff needs to clarify when the sidewalks need to be installed. Victor Wallace said that this is important. Unless something really interesting happens where we get a lot of money, there will be no connection in sidewalks. Consider having some way of having a designated area to donate to sidewalks in another area. Country Club Hills-Section 8 does not connect to sidewalks for 2 ½-3 miles away. Victor said he would rather get sidewalks where they are needed.

Bill Burgin did not totally disagree. There is an argument for Victor’s comments; let’s look at it. (We do have a sidewalk plan) Give the developer an option. Joe said that was one of the things talked about when discussing recreational open space—payment in lieu. Make sure the payment stays in the area.

Jake Alexander asked where in this project you would put a road. Staff demonstrated how that would be done “by right.” Rodney asked, “Why would anyone want to do that by right?” A developer recently met with staff and stated that they would rather submit “by right.” Preston said their traffic impact study is going to require a ton of exterior connections to their land. Otherwise, they would have to make huge improvements to existing roadways. Because of the number of connection to exterior properties, they preferred to do public streets. Anything else could come through TRC and avoid the City Council route.

Ninety-eight percent of all development (based on information from the Institute of Government) is done by CD; the CD method is preferred in Charlotte-Mecklenburg. The CD is a legalized contract zoning. CD becomes its own zoning district.

Bill Burgin believes the only thing that City Council is finicky with is bars. Wallace Commons could look exactly the same except for the sidewalk requirement and the storm water requirements. The original draft did not clarify when sidewalks would go in. Landscaping in a CD is what you proposed. Staff would still count points and see that the intent of the code was met. Landscaping is not exempt; there are just alternate methods of compliance.

Victor said that one of the new wrinkles is that sidewalks are required in the internal part of the development and outside where you connect with roads; street trees are also required. City Council thought that Wallace Commons had a nice internal system. (Page 9-3, 9.3.a) Staff could add a statement for CDs the timing of installation of infrastructure improvements is part of the negotiation with City Council and that could be a part of the adopted ordinance.

Victor made a MOTION to adopt payment in lieu for sidewalks that will dovetail with the sidewalk prioritization plan. He would rather see this money go to areas around schools and places that need sidewalks. There was a consensus that that sounds smart.

Steve Fisher asked if this would be for the entire sidewalks or external—Payment in lieu is only for the required areas on city streets. Jeff Smith said there are places where it makes sense to install sidewalks immediately. Dan said that staff will work on the wording—state a number. If the score is this much or higher, the public sidewalks are mandatory; if the sidewalk prioritization number is lower than whatever the threshold number is, the developer will have the option of doing payment in lieu of, and that money will go into a sidewalk construction plan for the prioritization of sidewalks.

The Greens at the Crescent

What makes it a CD? The developer has chosen to build this development without subdividing the land. All of the drives are not public streets; they are private driveways. If you wanted to do this by right, you could create a public street. When you do by right that is when the building form kicks in. These are considered townhomes by right. The City struggles with apartments; the CD gives a little more public input.

Recreational open space is the only provision in the code that would prevent this plan from being approved under the current code. It doesn't have 25 percent street frontage. Since this is on a golf course would it qualify for pay in lieu of recreational open space? Not applicable for golf course (private). Because The Crescent was master planned under the old code, they didn't have any requirement or expectation of having common recreational open space for the individual phases. Under the new code, the plan would be different and the tennis courts would have been placed elsewhere. There was a discussion about a berm in the development.

Dan discussed common open space as a greenway linear park—you have a lot more flexibility about the street frontage. This site plan was not designed around a linear park. Rodney—more access to the people; it depends on the topography of the land. Bill Burgin—under a CD, even if you have to have recreational open space you would have the ability to access it from a private street or drive. Open space should be offered to everyone; leftover spots are not very community oriented. Steve would view this as a good alternative method of compliance. Dan said staff will have a way to word so it is accessible to the public even if not on public street.

Traffic study is needed if you generate over 3,000 vehicle trips per day. There was a discussion about this. You need a pretty big impact before something like that would be justified.

Steve Fisher had one thing to be concerned about. There are wonderful sidewalks, but no sidewalk to get to the neighbors, or to the tennis courts. Would payment in lieu apply here? There was a discussion. Page 9-8.D.2 applying to this case—pick a primary building entrance and provide a pedestrian connection from a primary building to the public street. Preston said it did not require a pedestrian walk through a parking lot, but a connection to the sidewalk system.

Drummond Village

This is a major subdivision. Patrick Ritchie started at the beginning Chapter 1 for review. Chapter 2—the base district is UR 12, a density of 12 units per acre. (This is conversion zoning, which is out of whack.) They have proposed a subdivision of 395 units in 140.4 acres, so that comes to 2.81 units per acre. They are well within the allowed density. Their use is all single family residential.

Chapter 3—additional use not required in UR.

Chapter 4.2.B.—setbacks from thoroughfares and future right-of-ways. In this case, the future right-of-way for Jake Alexander Boulevard is shown coming through the center so they have taken that into account. Not considered infill.

Chapter 5—house type building so all standards for house types will apply. In 5.5.B.1, they are proposing lots of 50' width. Because that is less than 54' wide, they are required to have alleys. They are not proposing alleys; that is the first thing that is not in current code. But, in the new code 55' lots could be done by right. With 50' lots you are required to have alley access. They could add alleys and leave the lots as they are, they could make lots bigger, or go CD. Under the UR, because lots are not 70' wide with a 40' setback, they are going to have additional standards on the houses.

Dan said that our challenge or task for today was to look at the site plan as submitted and tell the committee how it could be approved. If they did not change the design, they would go through the CD process.

Chapter 6—Rowan County is included, all of Salisbury, not sure about the small municipalities. Staff chose to include storm water in the proposed code because it will be required anyway. That is going to mean a significant change. The State of NC is working on some guidelines. Staff will make guidelines available as they receive them from the state.

Patrick pointed out requirements. There will have to be a buffer around any stream listed as a blue line stream on the USGS map. The buffer has to be 30' from the top of the bank. There should be an undisturbed buffer 30' on both sides. There are high density and low-density projects. This is a high-density project. Anything bigger than 2.9 units per acre residential is high density. This means you have to install storm water treatment facilities. [Best Management Practices (BMP)] You have to dump your storm water into one of these and it has to remove 85 percent of the solids before it discharges to the streams or ditches. A sediment basin does some of that, but Patrick did not believe it takes that much out. It does not have to be an operating mechanical thing. It could be like a water garden or a vegetative buffer. The state is still developing what will qualify.

You will have to clean it before it leaves your site—probably in bits and pieces. This is not a choice, but there will be an impact that could not be blamed on the ordinance. It is best to work it in now since it is coming soon anyway.

You do not have to treat what is coming in, but you do have to accept or accommodate it. This is for all developments.

Rodney asked, “What are the Drummond Village setbacks?” They are 20 feet right now. None of these house types would be able to be used by right today unless they go CD, and they get approved. Rodney does not believe they would get approved today—Bill responded that it would not be unanimous.

Chapter 7, Recreational Open Space—in UR12 you are required to provide 12 percent open space of 140 acres is 16.85 acres. They are showing 1.6 acres improved. They have 47 acres of common area, but they would have to add additional improvements to meet their open space requirements. They also run into the problem that you have to have for most of the improvements the 25 percent of the frontage on a public street. They would need 4 acres of street frontage, which is a lot. Does it make sense to require 25 percent? Could they put a trail in and call it a greenway linear park? The access points and a trail and does not require a minimum amount of roadway frontage. It also does not require any playground or landscaping. The playgrounds and mini parks require a high level of improvement. (Benches, swings, landscaping)

Staff is to look at that public access. The intent is that it is clearly welcoming to the public. Seems there is a certain width having to have forcing them to have smaller open space. Converting to UR 12—Preston believed this to be way over-zoned because of the conversion. Could take it down to a GR; the density is the max density (would have been 3 percent). Density is at 2.8 (Was RDA comparison like to like?) Dan Mikkelsen noted that the Parks and Recreation Department prefers people to walk to its open spaces. They like having their smaller parks accessible—thereby, limiting outside influence.

Chapter 8—Landscape does not meet street tree requirements. They proposed one tree per lot behind the sidewalk. The CD does not change that. Landscaping does allow alternate methods of compliance; developer could propose to move the location of the street trees. Typically there should be a limiting factor.

Chapter 9—Subdivision Street and Connectivity—The Chart on page 9.6 for UR shows the average block length can be no more than 600 feet; their average as shown is 489 feet. This is OK. They could put a road through. They have a maximum block length 800 feet; they exceed that in two locations. There is no provision in the code for relief from that. They have relief now granted by City Council. They would have to go to ZBA and ask for a variance.

Vision 2020 reduced block lengths in compact urban environments. This is being reviewed as it is zoned and not what it should be zoned. In UR zoning they have a maximum cul-de-sac length of 300 feet. (600 for GR) The two temporary cul-de-sacs that would be installed before Phase III (East of Jake Alexander Boulevard)—those two bulb outs at the end of a phase line that exceeds the 300-foot maximum, so they would have to

drop that phase line back to keep the stub at 300 feet. (If it were zoned GR, they would have the 600 foot.)

- In UR, pedestrian-scale street lighting is required. That is a higher level that is required in UR. It is not required in GR. You really have to consider this as a GR.
- Intersection offsets are OK. Connectivity index rates a 1.6. The index is on page 9-15. They exceed both for GR and UR.
- Street stubs—they would require one additional street stub.
- 9.12--A traffic impact analysis would be required for this development because they exceed 300 single-family residences. (NCDOT required, so we are not adding to the burden.)

At this point the only thing we are going to look at is the width of the public access to the park (because of the magnitude and size that ended up being). Patrick thought about Earnhardt Road; they would be required to put street trees and sidewalks along that frontage.

Existing code should have required on Stokesferry and Earnhardt Roads. Staff does not know why that was overlooked. This would have been scored low on the sidewalk prioritization plan.

Rodney took time to discuss what could be done by right and what you could not do. It is highly unlikely they could have been approved with the house designs they have. His scenario is to bring zoning to GR 3, go to a 55-foot lot; that is only 5 feet more than where they are now, and it is a pretty good compromise. That house design would probably not be approved by CD under any circumstances. The topo on the land does not allow for alleyways.

Dan turned to Chapter 5-8—They will have to follow the design standards: front loading attached garage shall be recessed a minimum of 5' behind the front façade of the house... Section 5.5 can all be waived, so council could consider it under a CD. Their housing will be grandfathered in as long as they stay in production.

Break at 2:15 p.m.

Country Club Hills—Section 8

Zoned GR 6—they are allowed six units per acre. The plan proposed 199 units on 118 acres (1.7 units per acre).

- No additional use standards specified in Chapter 3.
- Chapter 4--Patrick once again finds a thoroughfare that is proposed to come through the northern boundary, and they have reserved setbacks for that future

thoroughfare to come through. Infill standards do not apply to this one since they are building new streets.

- Chapter 5 is about using the house type standards; there are no additional design standards as long as you have 40' setbacks.
- Chapter 6 storm water policies will apply. Patrick had a blue-line stream show up. They have actually reserved a common area along that stream. This is a high-density project because of the piped storm drainage. Our zoning is going to require this as a high-density project. Dan added that on our "to do list" we have low impact development standards that we need to develop. Victor asked, "The reason is because we are capturing water and getting it into the streams?" Patrick said the NPDES is trying to lessen the water quality impact—cool down the water. Working on a low impact; NPDES refers to it as density—as long as you are not over two units per acre.
- Chapter 7, Recreational Open Space—In GR 6 you have to have 6 percent open space—a total of 7.07 acres. Right now they have 2.41 acres dedicated in the common area. If a trail were added, it could count toward that required open space. Some lots are not within a quarter mile of the trails, so they would need additional open space need to come up with additional area.

Joe Morris thought that this is an area that could be zoned GR 3 and open space could almost be met. Keep this in mind for the purpose of analysis. They could voluntarily downzone to reduce open space requirement.

The NPDES requirement for that stream bank buffer is 30 feet. To have it count for the recreational open space it would have to have a trail built in it. The NPDES would not allow a trail within 30 feet of the stream. That buffer must be undisturbed. Technically, in order to qualify as recreational open space it would have to have a trail and the trail would have to be outside the stream bank buffer. They would be required to have about 5 feet wider than what they did.

Jakes said, "This is important and valuable." Victor said you would probably not want to deed them, because they get used inappropriately.

- Chapter 8—you would be required to have street trees; no trees are provided now.
- Chapter 9, Street Design—Average block length is 659 feet; that is fine—they are required to be less than 800. (Page 9-6) The maximum allowed is 1200; there are two areas that are over 1200. You have no relief from standards for new code. You would have to get a variance from ZBA. A discussion on cul-de-sacs and topography of the area followed. Once the bicycle plan is developed (which is on the "to do list"), add a pedestrian and a bicycle connection.

Section 9.6.I.3, Intersection Offsets—Current code requires 800 feet offset on thoroughfares; we have about 200 feet. They are closer with the new code than the old code, but it does not meet either one. (City Council gave relief from standards. Now you would have to go to ZBA and demonstrate a hardship.) Mocksville Road, which is a thoroughfare, would require street trees and sidewalks along the frontage. “There is a narrow road and ditches,” Victor said, “This is not a good place for sidewalks.”

This is happening all over Mecklenburg County. This area of discussion is going to develop. Jake remarked, “We are not Charlotte.”

The connectivity index for this project is 1.6, so it is fine. Section 9.8.b, Street Stubs, (Page 9-16)—There are two provided to adjacent property and one more would be required. Patrick Ritchie demonstrated with the laser pointer on the map the streets and stubs. Page 2-18 lists what you do not have to meet in a CD. Street stub is something you can exempt. (9.8)

Bill Burgin believes the biggest impact to be the sidewalks and the street trees; the open space is there.

Mitchell Avenue

Located near Fulton Heights this can to the city as two different phases of development. The RoMed out parcel actually developed as Mitchell Avenue Medical Park, which came in most recently. David Phillips reviewed this case study for the committee. This is zoned RMX, which will still permit medical offices by right. (Chapter 2)

The proposed building (around 14,000 square feet) is a major site plan, so it will have to go through TRC for review.

- There are no Chapter 3 additional standards. General Lot Provisions—there are none.
- Chapter 5—Under the current zoning, they have a 25’ front setback; under the new code, they have a maximum of 10’, so they would have to bring the building closer to the street (Mitchell Avenue). They would have to provide a pedestrian entrance in the front and create a front door for “by right.” (Similar to Walgreens) We are discussing by right.
- Environmental Protection, they would have to follow. Open space does not apply.
- Street trees required along Mitchell Avenue have to provide complete visual separation within three years. Their experience in the Group Development process led to double landscaping. Through TRC, the neighborhood would have had visual separation, but through city council more has been required.

- The building being built is not what Planning Board approved. Preston commented that the problem under current code is there are no standards to be applied to those elevations. Under the CD it is a requirement—you have to build what you show. What you proposed is what has to be developed. You are going to have to have the elevations done for any building. If it is “by right,” and you go through TRC, then there are some changes you can make. The Zoning Administrator can authorize changes. If it is a major site plan changes it goes through TRC. If it is a CD you have to go to City Council. Right now, if you proposed a definition, it becomes part of the ordinance; that is up to city council to decide. Elevations for this project were important to see how it would impact the neighborhood. On the other hand, Wallace Commons is not impacting the area around it. Walgreens on East Innes Street had to submit detailed elevations because of the Gateway requirements. The Dollar General review specified black awnings. If they change they will have to come before City Council because it was part of the public hearing.

Remodeling a façade in 20 years—as long as they meet the design standards for “by right” they can do it. There was a discussion to address George Busby’s questions on options under the new code.

Bill Burgin said they did things on the council level to calm down the neighborhood. This was one that the city got something better by the legislative process. Preston referred to the fairness issue, “When it is codified, it is in black and white.” The developer knows that as long as this is done I can move forward by right. Bill said that makes it even more important to see that everything is zoned the way it needs to be. This neighborhood wants to protect their edges. Be sure there are reasonable “by right” expectations when one zoning meets another zone.

George had concerns about civic institutional requirements. Commercial building type has more prescribed elements than institutional/public landmarks. The new code would allow them to do less than we require through the legislative process. What we have not lost is the visual screen.

Jeff Smith asked, “How does Charlotte deal with CD when selling property? The CD is an overlay that goes with the property; it runs with the land forever. Underlining zoning remains. To change color of building face that had been specified you must come before city council; if it just said an awning it doesn’t matter what color it is. Performance criteria are set by city council. The smaller the CD and the closer to other neighborhoods the closer City Council will look at the details. City Council just wants what makes the majority comfortable. Not going to make them connect to the neighborhoods just interconnectivity.

Food Lion

David showed the site plan for the store support center submission. This is a major site plan. When they built this building, it would be more of a campus style since it is not fronting on the public street. This really meets the campus style definition internally

oriented on private streets. In order to build as they did, they would have had to go CD. As far as time, it would have been the same. They would not have had to meet the parking standards; the parking ratio and lighting could have been less.

The city does not regulate the tank farm. When they came to talk about the site plan they did not know if they knew the history of the property.

Rack Room Shoes

This one is administratively approved by the Zoning Administrator. The current zoning is B-7 that requires automatic group development. This is across from the mall. It is less than 10,000 square feet. They are only looking at 450 square feet. It will not have to meet any additional standards (like parking). Instead of going through a 4-week process this can get approved in a day or two.

EVALUATION OF STAFF TIME

Dan Mikkelson distributed a handout of an analysis which is available electronically. He evaluated the actual 2006 calendar year.

- Rezoning—six speculative no real change; eight of the rezonings soon submitted site plans (could have been done as a CD and would have saved the developer about four weeks; technical staff time would take about the same the administrative for boards and council would save about three hours per case.)
- Group Developments, under the new code, could come in any of four processes. Of the group developments, 12 would have received staff approval as a minor site plan review. (Not having to get things on agendas save time.) Saves about 3 hours per site plan. Seven would have gone through the major site plan review, with TRC having final review. Two were RDA / RDB so there was no significant difference in staff time. It shifted the duty to the engineers; it would go through review with engineers.
- David is picking up workloads in other areas. Nine of the site plans would be reviewed either as a CD or as a special use permit due to the size or something about the request. The difference is the review by a Senior Planner instead of the Zoning Administrator.
- Major / Minor subdivision no net change in the staff time. Subdivision exception plats take additional time; add one hour extra. Small commercial developments (by right)—because of the nature of it, the turnaround time will be longer (a few days).
- Residential single-family and duplexes will increase workload on Development Services staff, because of the need to know what is on the surrounding lots for infill development, etc. Because there are 123 of those, that is what will add a big burden to David's duties.

Chart

Discussion about staff expansion needs. Staff will stay level as long as the workload stays the same as 2006. (Net increase of about 43 hours) Developers will save 32 weeks of waiting time for rezonings. Group development will save 70 hours. Commercial is picking up some extra waiting time and residential is picking up some waiting time. The small developers will pick up a little extra waiting time. This will eliminate (with the same workload as 2006) 116 weeks of processing time. The savings is that approval is granted at an earlier stage (administrative).

Mark Lewis said, “The city had approved one additional employee for an advocate for developers, but could not get someone to bite at the salary offered. So, there was a reworking of responsibilities between the Utility Department and Planning staff, and Engineering staff. Three review engineers all report to Dan. The City Manager thinks we have the methodology that will achieve what we want. Give a year after code is adopted and we will evaluate it at that point.”

Now there is accountability for time delays. There is a culture change within the city toward customer service; Dan will be able to measure the customer service. There is a single engineer who understands the history of the project. A single engineer reviews your water sewer plan who is advising the designer whether or not the design will require a state permit. We spend a lot of time talking to designers and arguing over state requirements.

Compliance on all the various requirements—how do you follow through? City inspections take place when the county signs off. The Zoning Administrator inspects, too. (Street numbers, all the additional things like recreational open space, benches, swings, walkways, counting trees, etc.).

General Review

The LDOC process began February 2004 and during that period met 67 times as a committee 109 times in staff meetings. Bill Burgin thanked the committee for sticking it out; it was far more than council had the nerve to ask for. Nobody would have signed on if they had known how long it would take. Thank you! No matter how it turns out.

The “Gotta Haves”

Joe Morris distributed slide handouts. He summarized the activities of the committee and the outcomes.

What the community expects

- Streamline approval process
- Allow Vision 2020
- Legislative option
- Protect edges of neighborhoods
- Reasonable design standards
- Increased residential density (new)
- Infill protection
- Connectivity (reasonable)
- Open space
- Range of housing
- Walkability
- Protect character of Salisbury
- Not “one size fits all

How the code responds

- Increased administrative approval
- More development options
- Creates the Conditional District
- Carefully evaluated mapping
- Ch. 5 – Architectural standards
- Smaller lot sizes are allowed
- Ch. 4 – Additional standards
- Ch. 9 – Infrastructure, platting
- Connectivity
- Ch. 7 – Recreational Open Space
- Facilitates development of underutilized lots
- Encourages compact design & connectivity
- Creates urban residential – preservation district
- Master plans with design flexibility

Listed before we started

The “To Do” List

- Tree Protection
- Low Impact Development Standards
- Comprehensive Bicycle Plan
- Administrative Processes (checklist)

Next Steps

Assuming we are moving forward, the process (this is a committee of the City Council) is to ask the City Council to refer the code to the Planning Board for a review (for some period of time associated with it like a minimum of 30 days). It will go through the Courtesy Hearing process and through Public Hearing Process.

Preston asked questions of the Institute of Governments. Salisbury cannot use two codes at the same time, because we cannot have two zoning maps at the same time. Salisbury cannot sunset one code. Push the effective date out 30-60 days or address some *grandfathering* – it is appropriately built into the code.

Joe made a wild guess of January 1, 2008. Planning Board is being asked to conceptually understand the code and be sure protections are in place for neighborhoods. Bill Burgin and Mark Lewis will go before the Planning Board to request that they examine the consistency with the comprehensive plan and determine whether the process is logical to them. Preston would have Planning Board looking at the code from a higher scale and grasping how it is interwoven and not combing the code chapter-by-chapter and line by line.

Bill Burgin does not mind saying if there is a negative vote, because the charge was to write the code and we have one; it is not perfect and that was expected. It offers a lot to the community and begins to bring in the Vision 2020 Comprehensive Plan.

Mark Lewis said this has been a collaborative process and we've got what we've got. Jake does not view this as a collaborative process. Jake fully expects this to be adopted and at least expects to vote on it. The council will hear comments in a public hearing. Perception of the presentation is that it seems biased because of those remaining on the committee–pocket books are involved. Since the consultants left, the opinions of the committee have been heard.

Committee Comments

Victor asked where we went with the religious entities–large churches in inappropriate areas. That needs to be in the “to do items” for Preston. How can we address what basically looks like college campuses? Short answer – Create zoning overlays. The key is to treat all the same way regardless of their size. Research is necessary. We are covered for now; the safest thing to do is meet the current law and find a way to address that issue. Cannot restrict in GR or we must restrict all institutions.

The time frame on CD–you have one year from approval date for a building permit. It is hard to imagine that happening in that time frame. You have to inform City Council (page 15-31). Developers need 24 months for a CD–it is not a speculative zone. A TIA has to be done ahead of time. Dan said a major site plan is valid for three years. Why did we choose 12 months? The CD has gone through community expectation. Dan would like to see the two (major site plan and CD) the same. **Change CD to vested right of two years and request five years vested right state law.** The Zoning Ordinance needs to be written that way. Under the current code it is not there. Provide as much predictability as possible.

Summary

There are five changes: (1) CD valid for two years, (2) craft some language for payment in lieu of for sidewalk construction and tie into the sidewalk prioritization plan (State

Statutes), (3) Specify timing of installation of required improvements in CDs shall be proposed by the developer, (4) In CDs access requirements for recreational open—state minimum and maximum, rather than 25 percent specifically on public streets. Committee will have the changes by next meeting.

Bill Burgin asked, “Do we want one more meeting for a vote?” Next week is a holiday. The next meeting is July 11, 2007, at 4 p.m. at the Plaza Seminar Room. Codebooks were distributed to the committee for their review.

Meeting adjourned at 4:30 p.m.

Respectfully submitted,

Diana Moghrabi